

Regular Session, 2010

SENATE BILL NO. 257

BY SENATOR MOUNT

SOCIAL SERVICES DEPT. Reorganizes and renames the Department of Social Services.
(gov sig)

AN ACT

To amend and reenact R.S. 36:3(4) and (7), 4(A)(10), 8(E)(2)(d), 9(C), 471(A), (B) and (C), 472, 473, 474(A)(8), (B)(1)(a)(i) and (b), 475, 475.1(A), (B) and (C), and 477 and to repeal R.S. 36:474(E) and 476, relative to the Department of Social Services; to rename the Department of Social Services the Department of Children and Family Services; to provide for the reorganization of the department; to provide for definitions; to provide for fiscal oversight and program evaluation; to provide for designation of certain organizational units; to provide for the composition of the department; to provide for the officers of the department; to provide for deputy secretaries; to provide for the undersecretary and the division of management and finance; to provide for the office of children and family services; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:3(4) and (7), 4(A)(10), 8(E)(2)(d), 9(C), 471(A), (B) and (C), 472, 473, 474(A)(8), (B)(1)(a)(i) and (b), 475, 475.1(A), (B) and (C), and 477 are hereby amended and reenacted to read as follows:

§3. Definitions

For the purposes of this Title the following terms shall have the following meanings unless the context clearly indicates otherwise:

* * *

(4) "Deputy secretary" means the officer authorized to be appointed by the secretary to serve as his principal administrative assistant. For the Department of Public Safety and Corrections, the "deputy secretary for public safety services" and the "deputy secretary for corrections services" shall be the officers of the department appointed by the secretary to serve as the principal administrative assistants of the secretary and references in any provision of law to the deputy secretary, where reference is to a deputy secretary of the Department of Public Safety and Corrections, shall include these two officers. For the Louisiana Workforce Commission, the "deputy executive director" shall mean the officer authorized by the executive director to serve as his principal administrative assistant. **For the Department of Children and Family Services, "deputy secretary" means the officer appointed by the secretary to direct and be responsible for the functions of the division of programs and the division of operations within the office of children and family services.**

* * *

(7) "Undersecretary" means the officer designated to direct and be responsible for the functions of the office of management and finance of certain departments. For the Louisiana Workforce Commission, the "chief financial officer" shall mean the officer designated to direct and be responsible for the functions of the office of management and finance. **For the Department of Children and Family Services, "undersecretary" means the officer designated to direct and be responsible for the functions of the division of management and finance within the office of children and family services.**

§4. Structure of executive branch of state government

A. In accordance with the provisions of Article IV, Section 1 and Article XIV, Section 6 of the Constitution of Louisiana, all offices, boards, commissions,

1 agencies, and instrumentalities of the executive branch of state government, whether
 2 constitutional or statutory, and/or their functions, powers, duties, and responsibilities
 3 shall be allocated, either in the Act by which this Title was created or by legislation
 4 enacted subsequent thereto, within the departments listed in this Section, except as
 5 provided in Subsections B and C of this Section, and in order to comply with this
 6 constitutional mandate, the agencies of the executive branch of state government
 7 hereinafter enumerated, whether heretofore created by the constitution or by statute,
 8 and/or their functions, powers, duties, and responsibilities are allocated, in the
 9 manner hereinafter set forth in this Title, within the following designated
 10 departments:

11 * * *

12 (10) Department of ~~Social~~ **Children and Family** Services

13 * * *

14 §8. Fiscal oversight and program evaluation

15 * * *

16 E. As used in this Section, the following words shall have the following
 17 meanings unless the context clearly indicates otherwise:

18 * * *

19 (2) "Undersecretary" means the undersecretary of each department in the
 20 executive branch of state government, except "undersecretary" means the following
 21 in the case of the listed departments:

22 * * *

23 (d) For the Department of ~~Social~~ **Children and Family** Services, the
 24 secretary; however, for the purposes of Paragraph (A)(2) and Subsection D of this
 25 Section, "undersecretary" shall mean the undersecretary for the **division** ~~office~~ of
 26 management and finance for the department. In addition, for purposes of Paragraph
 27 (A)(5) of this Section, reports of problems related to budget, finances, or
 28 administration shall be the responsibility of the undersecretary as provided in
 29 Paragraph (A)(5) of this Section, and reports of problems related to programs and

1 policy shall be the direct responsibility of the secretary. Any provision of this
 2 Section that requires the undersecretary to report to or inform the secretary shall not
 3 be applicable to the Department of ~~Social~~ **Children and Family** Services for any
 4 function or responsibility exercised by the secretary pursuant to this Subparagraph.

5 * * *

6 §9. Designation of certain organizational units; uniform terminology

7 * * *

8 C. **(1)** Each organizational unit which reports to the secretary, which is not
 9 an agency and is not within an office, shall be in the executive office of the secretary
 10 and shall be designated as follows:

11 ~~(1)~~ **(a)** A unit which reports directly to the secretary shall be designated as a
 12 bureau.

13 ~~(2)~~ **(b)** A subunit of a bureau shall be designated as a section.

14 ~~(3)~~ **(c)** A subunit of a section shall be designated as a unit.

15 **(2) For the Department of Children and Family Services, each**
 16 **organizational unit which reports to the secretary, which is not an agency and**
 17 **is not within the division of administrative services, the division of programs,**
 18 **or the division of operations, shall be in the executive division, and shall be**
 19 **designated as follows:**

20 **(a) A unit which reports directly to the secretary shall be designated as**
 21 **a bureau.**

22 **(b) A subunit of a bureau shall be designated as a section.**

23 **(c) A subunit of a section shall be designated as a unit.**

24 * * *

25 CHAPTER 10-A. DEPARTMENT OF ~~SOCIAL~~ **CHILDREN AND FAMILY**
 26 SERVICES

27 §471. Department of ~~Social~~ **Children and Family** Services; creation; domicile;
 28 composition; purpose and functions

29 A. The Department of ~~Social~~ **Children and Family** Services is created and

1 shall be a body corporate with the power to sue and be sued. The domicile of the
2 department shall be in Baton Rouge where it shall maintain its principal offices, but
3 the secretary may maintain branch offices if he deems it in the best interest of the
4 efficient administration of the department.

5 B. The Department of ~~Social~~ **Children and Family** Services, through its
6 office and officers, shall be responsible for the development and providing of social
7 services and the improvement of social conditions for the citizens of Louisiana, ~~and~~
8 ~~for the rehabilitation of handicapped persons for employment.~~

9 C.(1) The Department of ~~Social~~ **Children and Family** Services shall be
10 composed of the ~~executive~~ office of the secretary, ~~the office of management and~~
11 ~~finance, the office of family support, the office of community services~~ **children and**
12 **family services**, and such other offices as shall be created by law.

13 * * *

14 §472. Officers of the department; compensation for one office only

15 A. The officers of the department shall be the secretary, the undersecretary,
16 the deputy secretary **of programs and the deputy secretary of operations**, ~~if a~~
17 ~~deputy secretary is appointed, and assistant secretaries~~, each of whom shall be
18 selected and shall perform functions as provided in this Title.

19 B. No person serving as a secretary, deputy secretary, or undersecretary, ~~or~~
20 ~~assistant secretary~~ shall receive any additional salary from the state other than that
21 salary which he receives by virtue of serving in any one of such offices. Any
22 statewide elected official appointed to serve as a secretary, deputy secretary, or
23 undersecretary, ~~or assistant secretary~~ shall not receive any additional salary from the
24 state other than that salary which he receives as a statewide elected official.

25 C. Notwithstanding any provision herein to the contrary, subject to approval
26 of the governor, any person, including any statewide elected official, serving or
27 appointed to serve as a secretary, deputy secretary, or undersecretary, ~~or assistant~~
28 ~~secretary~~ may receive additional compensation for part-time services rendered as an
29 instructor in postsecondary educational institutions, or as a member of the National

Guard.

§473. Secretary of ~~social~~ **children and family** services

There shall be a secretary of ~~social~~ **children and family** services, who shall be appointed by the governor with consent of the Senate and who shall serve at the pleasure of the governor at a salary fixed by the governor, which salary shall not exceed the amount approved for such position by the legislature while in session.

The secretary shall serve as the executive head and chief administrative officer of the Department of ~~Social~~ **Children and Family** Services and shall have the responsibility for the policies of the department, except as otherwise provided by this Title, and for the administration, control, and operation of the functions, programs, and affairs of the department; provided that the secretary shall perform his functions under the general control and supervision of the governor.

§474. Powers and duties of the secretary of the Department of ~~Social~~ **Children and Family** Services

A. In addition to the functions, powers, and duties otherwise vested in the secretary by law, he shall:

* * *

(8) Provide for the ongoing merger and consolidation of the agencies and functions transferred to his department and when deemed necessary submit a report thereon to the governor and the legislature, which report shall accompany the budget statement which he submits under provisions of R.S. ~~39:45~~ **39:33**. Such report shall include a statement of the goals of the department and of the programs thereof and shall summarize the accomplishments of the department in meeting such goals and implementing such programs. The report shall also contain a specific statement of needed reorganization and consolidation plans for the department for the next year and shall include a report on the implementation of needed reorganization and consolidation plan for the previous year. Any report concerning reorganization shall specifically detail the extent to which the department has achieved any goals stated the previous year with respect to merger and consolidation of functions, abolition of

1 agencies, consolidation of offices, elimination of job positions, and efficiency and
2 economy in delivery of services. The report shall contain any recommendations with
3 respect to reorganization which may require legislative action under the provisions
4 of this Title. A copy of the report and recommended legislation shall also be
5 submitted by the secretary to the presiding officer of both houses of the legislature.
6 The presiding officer shall refer the report to the appropriate committee having
7 jurisdiction of the subject matter as provided in the rules of the respective house.

8 * * *

9 B. The secretary shall have authority to:

10 (1)(a) Except as otherwise specifically provided in R.S. 36:801 and R.S.
11 36:803:

12 (i) Employ, appoint, remove, assign, and promote such personnel as is
13 necessary for the efficient administration of the ~~executive office of the secretary~~
14 **department** and the performance of its powers, duties, functions, and
15 responsibilities and such other personnel, who are not assigned to an office, as may
16 be necessary for the efficient administration of the department and for the
17 performance of the responsibilities, powers, duties, and functions of agencies
18 transferred to it;

19 * * *

20 (b) All of the above are to be accomplished in accordance with applicable
21 civil service law, rules, and regulations, and with policies and rules of the
22 Department of ~~Social~~ **Children and Family** Services, and all are subject to
23 budgetary control and applicable laws.

24 * * *

25 §475. Deputy ~~secretary~~ **secretaries**

26 ~~There may be a deputy secretary of the department, who shall be appointed~~
27 ~~by the secretary with consent of the Senate and who shall serve at the pleasure of the~~
28 ~~secretary at a salary fixed by the secretary, which salary shall not exceed the amount~~
29 ~~approved for such position by the legislature while in session. The duties and~~

functions of the deputy secretary shall be determined and assigned by the secretary.

If appointed, he shall serve as acting secretary in the absence of the secretary.

A. There shall be a deputy secretary of programs and a deputy secretary of operations, who shall be appointed by the secretary with consent of the Senate and who shall serve at the pleasure of the secretary at a salary fixed by the secretary, which salary shall not exceed the amount approved for such position by the legislature while in session. The deputy secretary of programs shall serve as acting secretary in the absence of the secretary.

B. The deputy secretary of programs shall manage the division of programs and perform the duties and functions of the department related to program development and administration and development of rules and policy to govern the various programs of the office of family and child services.

C. The deputy secretary of operations shall manage the division of operations and perform the duties and functions of the department related to the program service delivery for the various programs of the office of family and child services.

§475.1. Undersecretary; functions; ~~office~~ **division** of management and finance

A. There shall be an undersecretary of the Department of ~~Social~~ **Children and Family** Services, who shall be appointed by the governor with the consent of the Senate and who shall serve at the pleasure of the governor at a salary fixed by the governor, which salary shall not exceed the amount approved for such position by the legislature while in session. The undersecretary shall be directly responsible to the secretary and shall perform his functions under the supervision and control of the secretary.

B. The undersecretary shall direct and be responsible for the functions of the **division of management and finance, within the** office of ~~management and finance~~ **children and family services** within the Department of ~~Social~~ **Children and Family** Services. In such capacity, he shall be responsible for accounting and budget control, procurement and contract management, data processing, personnel

1 management, grants management, and facility construction and consulting services
2 for the department and all of its offices, including all agencies transferred to the
3 Department of ~~Social~~ **Children and Family** Services, except as otherwise
4 specifically provided in this Title. ~~He shall employ, appoint, remove, assign, and~~
5 ~~promote such personnel as is necessary for the efficient administration of the office~~
6 ~~of management and finance and the performance of its powers, duties, functions, and~~
7 ~~responsibilities, in accordance with applicable civil service laws, rules, and~~
8 ~~regulations, and with policies and rules of the department, all subject to budgetary~~
9 ~~control and applicable laws.~~ The undersecretary shall exercise all powers and
10 authority granted to him in this Title subject to the overall direction and control of
11 the secretary.

12 C. The duties and functions of the **division of management and finance,**
13 **within the** office of ~~management and finance~~ **children and family services** and of
14 the undersecretary shall be as provided in this Section and these duties and functions
15 shall not be subject to change by the secretary, except that the undersecretary shall
16 perform such additional duties and functions as are assigned by the secretary.

17 * * *

18 §477. Offices; purposes and functions

19 A. The purposes for which the offices **of children and family services** of the
20 Department of ~~Social~~ **Children and Family** Services ~~are~~ **is** created shall be set forth
21 in this Section.

22 B.(1) The office of ~~family support~~ **children and family services** shall
23 perform the services of the state relating to public assistance programs to provide aid
24 to dependent children and to adults, who due to age, disability, or infirmity, are
25 unable to adequately meet their basic needs. It shall also administer the food stamp
26 program, child support programs, establishment of paternity programs, disaster relief
27 grant programs for individuals and families, and such other programs as assigned by
28 the secretary. ~~It shall also perform the functions of the state relating to licensing of~~
29 ~~day care centers.~~ It shall also conduct disability and other client eligibility

1 determinations, and may conduct medical assistance client eligibility determinations.

2 The office is authorized to enter into interagency agreements with other state
3 agencies to conduct eligibility determinations. **The office shall provide for the**
4 **public child welfare functions of the state, including but not limited to**
5 **prevention services which promote, facilitate, and support activities to prevent**
6 **child abuse and neglect; child protective services; voluntary family**
7 **strengthening and support services; making permanent plans for foster children**
8 **and meeting their daily maintenance needs of food, shelter, clothing, necessary**
9 **physical medical services, school supplies, and incidental personal needs; and**
10 **adoption placement services for foster children freed for adoption. It shall also**
11 **perform the functions of the state relating to the licensing of child care facilities**
12 **that do not receive federal funds under Title XIX of the Social Security Act and**
13 **day care centers and agencies. The office shall issue and monitor domestic**
14 **violence services contracts.**

15 ~~(2) After July 1, 1999, the office shall not provide for the administration of~~
16 ~~any program related to Aid to Families with Dependent Children, public assistance,~~
17 ~~or the food stamp program except as provided under the welfare reform program~~
18 ~~required in R.S. 36:474(G) if such program is adopted by the legislature.~~

19 ~~C.(1) The office of community services shall provide for the public child~~
20 ~~welfare functions of the state, including but not limited to prevention services which~~
21 ~~promote, facilitate, and support activities to prevent child abuse and neglect; child~~
22 ~~protective services; voluntary family strengthening and support services; making~~
23 ~~permanent plans for foster children and meeting their daily maintenance needs of~~
24 ~~food, shelter, clothing, necessary physical medical services, school supplies, and~~
25 ~~incidental personal needs; and adoption placement services for foster children freed~~
26 ~~for adoption. It shall also perform the functions of the state relating to licensing of~~
27 ~~child care facilities, other than daycare centers, that do not receive funds under Title~~
28 ~~XIX of the Social Security Act and agencies.~~

29 (2) After July 1, 1999, the office shall not provide for the administration of

any programs related to Aid to Families with Dependent Children, public assistance, or the food stamp program except as provided under the welfare reform program required in R.S. 36:474(G) if such program is adopted by the legislature.

~~(3) The office of community services shall issue and monitor domestic violence services contracts.~~

Section 2. R.S. 36:474(E) and 476 are hereby repealed in their entirety.

Section 3. The Louisiana Law Institute is hereby directed to change all references to the "Department of Social Services" to the "Department of Children and Family Services" and all references to either the "office of community services" or "the office of family support" to the "office of children and family services" throughout the Louisiana Revised Statutes of 1950.

Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Greg Waddell.

DIGEST

Present law provides that Department of Social Services shall consist of the following offices:

- (1) The office of community services.
- (2) The office of family support.
- (3) The office of management and finance.

Proposed law changes the name of the Department of Social Services to the Department of Children and Family Services.

Proposed law consolidates the offices provided for in present law into the office of children and family services.

Proposed law provides for two deputy secretaries who are appointed by the governor to direct and be responsible for the functions of the division of programs and the division of operations within the office of children and family services.

Present law provides for an undersecretary to direct and be responsible for the office of

management and finance.

Proposed law retains the provision for an undersecretary but directs that the position be responsible for the functions of the division of management and finance within the office of children and family services.

Proposed law provides that the office of children and family services shall perform the following functions and services:

- (1) Public assistance programs to provide aid to dependent children and to adults, who due to age, disability, or infirmity, are unable to adequately meet their basic needs.
- (2) The administration of the food stamp program, child support programs, establishment of paternity programs, disaster relief grant programs for individuals and families, and such other programs as assigned by the secretary.
- (3) The public child welfare functions of the state, including but not limited to prevention services which promote, facilitate, and support activities to prevent child abuse and neglect; child protective services; voluntary family strengthening and support services; making permanent plans for foster children and meeting their daily maintenance needs of food, shelter, clothing, necessary physical medical services, school supplies, and incidental personal needs; and adoption placement services for foster children freed for adoption.
- (4) Functions of the state relating to the licensing of child care facilities that do not receive federal funds under Title XIX of the Social Security Act and day care centers and agencies and issue and monitor domestic violence services contracts.

Proposed law directs the Louisiana Law Institute to change all references to the "Department of Social Services" to the "Department of Children and Family Services" and all references to the "office of community services" or "the office of family support" to the "office of children and family services" throughout the Revised Statutes.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 36:3(4) and (7), 4(A)(10), 8(E)(2)(d), 9(C), 471(A), (B) and (C), 472, 473, 474(A)(8), (B)(1)(a)(i) and (b), 475, 475.1(A), (B) and (C), and 477; repeals R.S. 36:474(E) and 476)